

STATEWIDE INFORMATION SYSTEMS POLICY

Statewide Policy: Transmission Privacy

Product ID: ENT-SEC-041

Effective Date: September 20, 2000

Approved: LOIS MENZIES, Director, Department of Administration

Replaces & Supersedes: This policy supercedes any prior enterprise policies for establishing and implementing information technology (IT) policies and standards.

I. Authorizations, Roles, & Responsibilities

Pursuant to the Montana Information Technology Act ("MITA") (Title 2, Chapter 17, Part 5 of the Montana Code Annotated ("MCA"), it is the policy of the state that information technology be used to improve the quality of life of Montana citizens, and that such improvement is to be realized by protecting individual privacy and the privacy of the information contained within the state's information technology systems. [§2-17-505\(1\), MCA](#). It is also the policy of the state that the development of information technology resources be conducted in an organized, deliberative, and cost-effective manner, which necessitates the development of statewide information technology policies, standards, procedures, and guidelines applicable to all state agencies and others using the state network. It is also anticipated that State information technology systems will be developed in cooperation with the federal government and local governments with the objective of providing seamless access to information and services to the greatest degree possible. [§2-17-505\(2\), MCA](#).

Department of Administration: Under MITA, the Department of Administration ("DOA") is responsible for carrying out the planning and program responsibilities for information technology for state government (except the national guard), including for establishing and enforcing a state strategic information technology plan and establishing and enforcing statewide information technology policies and standards. DOA is responsible for implementing MITA and all other laws for the use of information technology in state government. The director of DOA has appointed the chief information officer to assist in carrying out the department's information technology duties. [§2-17-512, MCA](#).

Department Heads: Each department head is responsible for ensuring an adequate level of security for all data within their department. [§2-15-114, MCA](#).

II. Policy - Requirements

State and federal statutes provide a foundation to guarantee an appropriate level of privacy when electronic communications are used. Both users of the State of Montana's telecommunications network, and those who provide access, need a common understanding of the levels of confidentiality, security and access provided.

The scope of this policy is limited to those activities associated with the "transmission" of information using the State's telecommunications network. Information transmission is facilitated through local area networks (LANs), wide area networks (WANs) and the voice network. Such transmissions may include, but not be limited to, electronic documents, electronic files, electronic mail, video, images and voice communications.

Transmissions on the State's telecommunications network may only be intercepted (including copying and/or recording) and/or monitored (including viewing and/or listening) when such interception is in the normal course of employment responsibilities, or is regarded as necessary to providing the State's telecommunications services, or is protecting the rights and property of the State of Montana. Transmissions may be intercepted and/or monitored to conduct mechanical checks, service quality control checks, maintenance of service quality, system security, and software license monitoring.

No telephone conversation may be recorded without the knowledge of all parties to the conversation as provided for in 45-8-213, MCA. State employees who qualify as peace officers may continue, in the course of their duties as law enforcement officers, to record conversations where one party consents (i.e., the officer) to such recordings.

No person may intentionally disclose information from intercepted and/or monitored transmissions on the State's telecommunications network except to the person for whom it is intended, to a person reasonably involved in the process of transmitting the information to the person for whom it is intended, or to another person lawfully entitled to it.

No person may use information from intercepted and/or monitored transmissions on the State's telecommunications network for any purpose other than supporting and maintaining the State's telecommunications services, or other lawful purposes.

If any person is discovered misusing information from intercepted and/or monitored transmissions on the State's telecommunications network, they shall be subject to disciplinary action appropriate to the misuse, up to and including termination as administered under policy 3-0130, Discipline Handling, Montana Operations Manual and possible civil or criminal penalties.

A. Background - History On The Creation Of Or Changes To This Policy

This policy was originally signed into effect on November 12, 1996 as policy number S-AC40. It was updated in January 2000 to incorporate changes as requested by the Information Technology Advisory Council Internet Policy Advisory Task Force and to accommodate other information technology environment changes. This policy was given to the Information Technology Advisory Council for comment prior to adoption.

B. Guidelines - Recommendations, Not Requirements

There are no guidelines for this policy.

C. Change Control and Exceptions

Policy changes or exceptions are governed by the Procedure for Establishing and Implementing Statewide Information Technology Policies and Standards. Requests for a review or change to this policy are made by submitting an [Action Request](#) form. Requests for exceptions are made by submitting an [Exception Request](#) form. Changes to policies and standards will be prioritized and acted upon based on impact and need.

III. Close

For questions or comments about this instrument, contact the Information Technology Services Division at [ITSD Service Desk](#), or:

Chief Information Officer
PO Box 200113
Helena, MT 59620-0113
(406) 444-2700
FAX: (406) 444-2701

IV. Cross-Reference Guide

A. State/Federal Laws

- [2-17-505\(1\)](#) – Policy
- [2-17-514\(1\)](#) – Enforcement
- [§2-17-505\(2\), MCA](#)
- [§2-17-512, MCA](#)
- [§2-15-114, MCA](#)
- 45-8-213, MCA
- 2-17-501, MCA - *(repealed)*
- 2-17-503, MCA - *(renumbered)*

- [2-15-114, MCA](#)
- 2-17-302, MCA - (*repealed*)
- [45-6-311, MCA](#)
- [45-8-213, MCA](#)

B. State Policies (IT Policies, MOM Policies, ARM Policies)

- [2-15-112, MCA](#)
- [ARM 2.13.101 - 2.13.107](#) - Regulation of Communication Facilities
- [ARM 2.13.101 - 2.13.107](#)
- [MOM 3-0130 Discipline](#)
- [SummitNet Acceptable Use Policy](#)
- [Internet Services Policy](#)
- [Electronic Mail Policy](#)
- [Internet/Intranet Security Policy](#)
- [Federal Electronic Communications Privacy Act](#)
- [Montana Constitution Article II, Section 9 - 10](#)
- ARM 2.12.206 Establishing Policies, Standards, Procedures and Guidelines.

C. IT Procedures or Guidelines Supporting this Policy

- [Policy: Establishing and Implementing Statewide Information Technology Policies and Standards](#)
- [Procedure: Establishing and Implementing Statewide Information Technology Policies and Standards](#)

V. Administrative Use

Product ID:	ENT-SEC-041
Proponent:	LOIS MENZIES, Director, Department of Administration
Version:	1.1
Approved Date:	July 15, 2008
Effective Date:	September 20, 2000
Change & Review Contact:	ITSD Service Desk
Review Criteria:	Event Review: Any event affecting this policy may initiate a review. Such events may include a change in statute, key staff changes or a request for review or change.
Scheduled Review Date:	July 1, 2013
Last Review/Revision:	Reviewed July 11, 2008. Non-material changes are necessary.
Change Record:	July 11, 2008 – Non-material changes made: <ul style="list-style-type: none">- Standardize instrument format and common components.- Changed to reflect next review date.